

FILED

MAR 27 2008

NR

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

SHIRE LABORATORIES INC.,

Plaintiff,

v.

COREPHARMA LLC,

Defendant.

)
) 08CV1367
) JUDGE CASTILLO
) MAGISTRATE JUDGE COLE

)
) (Related Case No. 06-CV-2266

) (SRC) (MAS) D.N.J.)
)

STATEMENT PURSUANT TO LOCAL RULE 37.2

I, Robert E. Colletti, counsel for Plaintiff Shire Laboratories Inc. ("Shire"), submit the following statement in accordance with Local Rule 37.2 in support of Shire's accompanying Motion to Compel Production of Documents and Discovery from PharmPro and Don Verbarg.

After repeated consultations by telephone and email, and good faith attempts to resolve differences with regard to the issues discussed above, Shire and the PharmPro Services Division of Fluid Air Inc. ("PharmPro") are unable to reach an accord. Counsel for Shire and PharmPro conferred on at least the following occasions regarding the subpoenas served by Shire on January 8, 2008, and Shire's intention to ask the Court's assistance in seeking compliance with such subpoenas. From the earliest exchanges, Shire offered to inspect PharmPro's documents and to take Mr. Verbarg's deposition testimony in Chicago. Shire also accommodated PharmPro counsel's request for a three-week delay, during which counsel had a week-long trial and a two-week vacation. At the end of this three-week period (during which fact discovery lapsed in the above-captioned litigation), counsel for PharmPro refused to further discuss efforts to comply with Shire's subpoenas. Each of the emails listed below is attached as an exhibit to Shire's

Motion to Compel the Production of Documents and Discovery from PharmPro and Don
Verbarg.

- 2:17 pm EST, January 24, 2008 George Bullwinkel (counsel for PharmPro) email to Robert Colletti (counsel for Shire).
- 11:49 am EST, January 28, 2008 Colletti email to Bullwinkel.
- 10:00 pm EST, January 29, 2008 Bullwinkel email to Colletti.
- 12:17 pm EST, January 30, 2008 Colletti email to Bullwinkel.
- 3:00 pm EST, January 31, 2008 Ed Clinton, Jr. (counsel for PharmPro) email to Colletti.
- 2:01 pm EST, February 1, 2008 Bullwinkel email to Colletti.
- 3:41 pm EST, February 11, 2008 Colletti email to Bullwinkel.
- 9:31 am EST, February 19, 2008 Colletti email to Bullwinkel.
- 10:58 am EST, February 20, 2008 Bullwinkel email to Colletti.
- 11:37 am EST, February 20, 2008 Colletti email to Bullwinkel.

These emails culminated in Shire's counsel informing PharmPro's counsel of his intention to seek the assistance of the Court.

By: Robert Colletti
Robert E. Colletti

Dated this 6th day of March, 2008